

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CIVIL ACTION NO.

CHARLES REHAL
PLAINTIFF

V.

UNITED STATES OF AMERICA
DEFENDANT

**COMPLAINT FOR DAMAGES
UNDER THE FEDERAL TORT CLAIMS ACT**

1. The plaintiff, Charles Rehal, is now and at all times relevant to this complaint a resident of Beverly, Massachusetts, County of Essex.
- 2.. This is an action against the defendant United States of America under the federal tort claims act, (28 U.S.C. §2671, *et. seq.*) and 28 U.S.C.A. § 1346(b)(1), for negligence and professional malpractice in connection with medical care provided to the plaintiff by the Department of Veterans Affairs at the Veterans Affairs Medical Center in Gloucester, Massachusetts and at the VA Medical Center in West Roxbury, Massachusetts.
3. The claims herein are brought against the defendant pursuant to the Federal Tort Claims Act (28 U.S.C. §2671, *et. seq.*) and 28 U.S.C.A. § 1346(b)(1), for money damages as compensation for personal injuries caused by the defendant's negligence.
4. The plaintiff has fully complied with the provisions of 28 U.S.C. §2675 of the Federal Tort Claims Act.
5. This suit has been filed timely in that the plaintiff served notice of this claim less than two years after the incident forming the basis of this suit receipt of which has been acknowledged by the Department of Veterans Affairs.
6. The plaintiff has cooperated with the Department of Veterans Affairs by providing all requested records and affording the defendant more than six months since the acknowledgment of receipt of the Standard Form 95 Notice of Claim before commencing this action.
7. The defendant United States of America, through its agency, the Department of

Veterans Affairs, has at all times material hereto operated the Veterans Affairs Medical Centers at Gloucester, Massachusetts and West Roxbury, Massachusetts.

8. At all times material hereto the Veterans Affairs Medical Center at Gloucester, Massachusetts and at West Roxbury, Massachusetts, through agents and employees of the defendant, held themselves our to the plaintiff and all eligible beneficiaries as providers of high quality health care services, with the expertise necessary to maintain the health and safety of patients like the plaintiff.
9. At all times material hereto, the persons providing care to the plaintiff at Veterans Affairs Medical Centers at Gloucester, Massachusetts and West Roxbury, Massachusetts were employees, agents and staff of the defendant and/or acting on behalf of the defendant making the defendant liable for their negligent acts.
10. Jurisdiction of proper under 28 U.S.C. §1346(b)(1).
11. Venue is proper under 28 U.S.C. §1402(b).
12. On or about May 7, 2018 the plaintiff went to the Veterans Affairs Medical Center in Gloucester, Massachusetts and was treated by Timothy Oman, M.D. and other staff of the Veterans Affairs Medical Center in Gloucester, Massachusetts for an injury to or condition involving his right foot and leg.
13. The plaintiff continued to be treated by Dr. Oman through and other staff of the Veterans Affairs Medical Center in Gloucester, Massachusetts at least May 18, 2018.
14. The treatment provided by Dr. Oman and the staff of the Veterans Affairs Medical Center in Gloucester, Massachusetts to the plaintiff was negligent and below the standard of care required and as a result the condition involving the plaintiff's right foot and leg worsened and set the plaintiff up for further serious complications.
15. On or about May 18, 2018 the plaintiff was referred to the Veterans Affairs Medical Center in West Roxbury, Massachusetts and was treated by James C. Sang, M.D. and the staff of the Veterans Affairs Medical Center in West Roxbury, Massachusetts for the injury to or condition involving his right foot and leg.
16. The plaintiff continued to be treated by Dr. Sang and other staff of the Veterans Affairs Medical Center in West Roxbury, Massachusetts through July 27, 2018.
17. The treatment provided by Dr. Sang Sang and other staff of the Veterans Affairs Medical Center in West Roxbury, Massachusetts to the plaintiff was negligent and below the standard of care required and as a result the condition involving the plaintiff's right foot and leg worsened ultimately resulting in the amputation of

the plaintiff's right leg on August 2, 2018.

18. As a result of the aforesaid negligence, the plaintiff was caused to suffer pain and mental anguish, permanent impairment, disfigurement and loss of enjoyment of life and will continue to do so for an indefinite time in the future.
19. As a result of the aforesaid negligence, the plaintiff has been obliged to expend sums of money for medical care and attention and will continue to do so for an indefinite time in the future.
20. As a further result of the aforesaid negligence, the plaintiff has suffered a loss and depreciation in earning capacity and will continue to do so for an indefinite time in the future.
21. As a further result of the aforesaid negligence, the plaintiff will likely suffer a deterioration of his condition requiring more treatment, more surgery and a worsening of his pain and mental anguish, permanent impairment, disfigurement and loss of enjoyment of life

WHEREFORE, the plaintiff does hereby pray that judgment be entered in his favor against the defendant for medical expenses, loss of earning capacity, pain and suffering, permanent impairment and disfigurement and loss of enjoyment of life totaling \$5,000,000.00 plus costs and attorneys fees incurred in this civil action together with such further and additional relief that this Honorable Court deems proper and just.

Charles Rehal,
By his attorney,

/s/ Chester L. Tennyson, Jr.
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Dated: November 11, 2020